



CITY OF KIRKLAND

PLANNING AND BUILDING DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3600 - www.kirklandwa.gov

MEMORANDUM

Date: October 13, 2016

To: Houghton Community Council

From: Dorian Collins, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Director

Subject: Amendments to the Zoning Code: Buffers from Marijuana Retail Uses – Chapter 115 (CAM16-00961)

RECOMMENDATION

Staff recommends that the Houghton Community Council approve by motion, Resolution 2016-5 to approve amendments to the Zoning Code to establish a buffer distance of 100 feet from a marijuana retailer to a child care center, outside of the Houghton Community Municipal Corporation. The amendments do not change the existing buffer distances within Houghton.

BACKGROUND DISCUSSION

On September 6, 2016, the Kirkland City Council adopted O-4528. The amendments are contained within the body of the ordinance (see Attachment 1).

The Houghton Community Council (HCC) and Planning Commission (PC) held a joint public hearing on June 23, 2016. The Planning Commission recommended approval of a buffer reduction from 1,000 feet to 600 feet from a marijuana retailer to a child care center. The Houghton Community Council, however, voted to reject any modifications to the existing buffer distances.

The study of amendments to the Zoning Code to provide greater flexibility in the location of retail marijuana operations followed the passage of legislation authorizing local jurisdictions to reduce the buffer from restricted uses to marijuana retailers. The Kirkland City Council limited the scope of the study of Zoning Code amendments to buffer reductions from child care centers.

Attachment 1: Ordinance 4528

CC:
CAM16-00961
Planning Commission
Houghton Community Council
Kirkland Neighborhood Associations
Kirkland Alliance of Neighborhoods
Kirkland Chamber of Commerce

ORDINANCE O-4528

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING KIRKLAND ZONING CODE CHAPTER 115.

1 WHEREAS, the City Council has received a recommendation
 2 from the Kirkland Planning Commission to amend Chapter 115 of the
 3 Kirkland Zoning Code, as set forth in the report and recommendation of
 4 the Planning Commission dated July 25, 2016 and bearing Kirkland
 5 Planning and Building Department File No. CAM16-00961; and
 6

7 WHEREAS, prior to making the recommendation, the Kirkland
 8 Planning Commission, following notice as required by RCW 36.70A.035,
 9 on June 23, 2016, held a public hearing, on the amendment proposals
 10 and considered the comments received at the hearing; and
 11

12 WHEREAS, prior to making the recommendation, the Houghton
 13 Community Council, following notice as required by RCW 36.70A.035,
 14 on June 23, 2016, held a courtesy hearing at a joint hearing with the
 15 Planning Commission, on the amendment proposals and considered the
 16 comments received at the hearing; and
 17

18 WHEREAS, pursuant to the State Environmental Policy Act
 19 (SEPA), there has accompanied the legislative proposal and
 20 recommendation through the entire consideration process, a SEPA
 21 Addendum to Existing Environmental Documents issued by the
 22 responsible official pursuant to WAC 197-11-625; and
 23

24 WHEREAS, in regular public meeting the City Council considered
 25 the environmental documents received from the responsible official,
 26 together with the report and recommendation of the Planning
 27 Commission; and
 28

29 NOW, THEREFORE, the City Council of the City of Kirkland do
 30 ordain as follows:
 31

32 Section 1. Chapter 115 of the Kirkland Zoning Code is hereby
 33 amended by the addition of a new Section 115.155 to read as follows:
 34

35 **115.155: Marijuana Retail Business – Buffer Requirements**
 36 **from Licensed Child Care Centers (not effective within the**
 37 **Houghton Community Municipal Corporation).**
 38

39 Except as otherwise provided in this Section, the distance requirements
 40 of RCW 69.50.331(8)(a) (as it now exists or may subsequently be
 41 amended) shall apply to state liquor and cannabis board licensing of all
 42 marijuana producers, processors, retailers and research premises.
 43 Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and
 44 Cannabis Board may issue a license for a marijuana retail premises
 45 located within 1,000 feet of the perimeter of the grounds of a child care
 46 center, but no portion of the property on which a state-licensed

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47 marijuana retailer is located may be within 100 feet of the perimeter of
48 the grounds of a child care center. For the purpose of this Section,
49 "child care center" shall have the definition set forth in WAC 170-295-
50 0010. This section shall not be effective within the Houghton
51 Community Municipal Corporation.

52
53 Section 2. If any section, subsection, sentence, clause, phrase,
54 part or portion of this ordinance, including those parts adopted by
55 reference, is for any reason held to be invalid or unconstitutional by any
56 court of competent jurisdiction, such decision shall not affect the validity
57 of the remaining portions of this ordinance.

58
59 Section 3. This ordinance shall be in full force and effect five
60 days from and after its passage by the Kirkland City Council and
61 publication, as required by law.

62
63 Section 4. A complete copy of this ordinance shall be certified
64 by the City Clerk, who shall then forward the certified copy to the King
65 County Department of Assessments.

66
67 Passed by majority vote of the Kirkland City Council in open
68 meeting this 6th day of September, 2016.

69
70 Signed in authentication thereof this 6th day of September,
71 2016.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

RESOLUTION. 2016-5

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4528 ADOPTED BY THE KIRKLAND CITY COUNCIL ON SEPTEMBER 6, 2016, RELATING TO LAND USE AND ZONING AND AMENDING KIRKLAND ZONING CODE CHAPTER 115, (CASE NO. CAM16-00961)

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4528, adopting the amendments to the Zoning Code.

WHEREAS, pursuant to Ordinance 2001, the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon (i) approval by the Houghton Community Council, or (ii) the failure of said Community Council to disapprove this ordinance within 60 days of its passage; and

WHEREAS, the pertinent subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on June 23, 2016; and

WHEREAS, the Houghton Community Council finds that being excluded from the pertinent subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4528 is hereby approved by the Houghton Community Council.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2016.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2016.

Chair, Houghton Community Council

City Clerk

